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In re Application of: Brown )  
Application No. 09/810,865 ) *SUA SPONTE*  
Attorney Docket No. HERO-1-1112 ) WITHDRAWAL OF HOLDING OF  
Filed: March 16, 2001 ) ABANDONMENT  
For: DISEASE SIMULATION SYSTEM )  
AND METHOD )

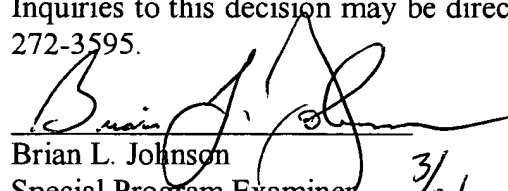
The information and request for withdrawal of the holding of abandonment, filed May 24, 2004 is acknowledged.

A review of the application reveals that a Notice of Abandonment was mailed to the applicant on May 3, 2004. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Office communication (mailed on October 28, 2003). The notice of abandonment also indicates that the Examiner phoned to confirm that no amendment had been filed in response to the October 28, 2003 Office action however, the indication does not list the attorney and does not include an interview summary. Note the revocation of power of attorney and change of address filed February 23, 2004 (filed after the mailing of the Office communication and before the mailing of the Notice of Abandonment), which was approved on March 9, 2004. A timely filed amendment with a three-month extension of time (37 CFR § 1.136(a)) was filed on May 3, 2004 bearing a certificate of mailing under 37 CFR § 1.8(a) on April 28, 2004. Accordingly, the amendment/response was timely filed.

In view of these facts, the abandonment of the application was clearly in error and is hereby **VACATED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment and restore the instant application to pending status. The application will then be forwarded to the Examiner of record for prompt action on the merits.

Inquiries to this decision may be directed to Special Programs Examiner Brian Johnson at (571) 272-3595.

  
Brian L. Johnson  
Special Program Examiner  
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3/8/05